

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kenyon O. Hamwright,

Plaintiff,

vs.

A. Camacho, et al.,

Defendants.

No. CV-23-01265-PHX-SPL (DMF)

ORDER

Plaintiff Kenyon O. Hamwright filed a First Amended Complaint pursuant to 42 U.S.C. § 1983 (Doc. 9). The Honorable Deborah M. Fine, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 42), recommending the Court dismiss Defendant Riviera for failure to serve pursuant to Federal Rule of Civil Procedure 4(m).

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b); *see also* Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”). When a party files a timely objection to an R&R, the district judge reviews *de novo* those portions of the R&R that have been “properly objected to.” Fed. R. Civ. P. 72(b)(3). A proper objection requires specific written objections to the findings and recommendations in the R&R. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1118–19 (9th Cir. 2003); 28 U.S.C. § 636(b)(1). It follows that the Court need not conduct any review of portions to

1 which no specific objection has been made. *See Reyna-Tapia*, 328 F.3d at 1121; *see also*
2 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (discussing the inherent purpose of limited review
3 is judicial economy). Further, a party is not entitled as of right to *de novo* review of
4 evidence or arguments which are raised for the first time in an objection to the R&R, and
5 the Court’s decision to consider them is discretionary. *United States v. Howell*, 231 F.3d
6 615, 621–622 (9th Cir. 2000).

7 On November 15, 2024, the Court ordered Plaintiff to show cause why Defendant
8 Riviera should not be dismissed for failure to complete service, failure to prosecute, and
9 failure to comply with Court orders (Doc. 39). Plaintiff has not responded or otherwise
10 taken any action. In the R&R, the Magistrate Judge recommends Defendant Riviera be
11 dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, reasoning that
12 Plaintiff has not shown excusable neglect, and there is not good cause for an extension of
13 time to effectuate service. (Doc. 42 at 8).

14 The parties did not file objections, which relieves the Court of its obligation to
15 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
16 (1985) (“[Section 636(b)(1)] does not... require any review at all... of any issue that is not
17 the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine
18 *de novo* any part of the magistrate judge’s disposition that has been properly objected to.”).
19 The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
20 thus adopt the R&R in full. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may
21 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
22 magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the
23 recommended disposition; receive further evidence; or return the matter to the magistrate
24 judge with instructions.”). Accordingly,

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